



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	04
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	10

NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives returned **S.424**, a **CONCURRENT RESOLUTION AFFIRMING THE RIGHTS OF SOUTH CAROLINA UNDER PROVISIONS OF THE UNITED STATES CONSTITUTION**, to the Senate with amendments. The resolution provides that the General Assembly claims for the State of South Carolina sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution. The resolution provides that it is the policy of the state that: no law shall interfere with the right of a person to be treated by or receive services from a health care provider of that person's choice; no law shall restrict a person's freedom of choice of private health care systems or private health care plans of any type; no law shall interfere with a person's or an entity's right to pay directly for lawful medical services; and no law shall impose a tax, penalty, or fine, of any type, for choosing a health care provider, to obtain or decline health care coverage or for participation in any particular health care system or plan. The resolution claims freedom from all laws and mandates that violate the rights of the people to keep and bear arms granted under the Second Amendment to the United States Constitution. The resolution affirms the rights retained by the people and the several states under the Ninth and Tenth Amendments to the United States Constitution and serves as notice and demand to the federal government, as South Carolina's agent, to cease and desist immediately all mandates that are beyond the scope of the federal government's constitutionally delegated powers.

The House approved and sent to the Senate **H.4511**, the "**SOUTH CAROLINA RURAL INFRASTRUCTURE ACT**" which provides a mechanism for alternative methods of financing rural infrastructure needed for economic development. The legislation creates a South Carolina Rural Infrastructure Authority to assist municipalities, counties, special purpose districts, public service districts, and public works commissions in constructing and improving rural infrastructure by providing loans and other financial assistance. A distinct Rural Infrastructure Fund is established to receive funds from state, federal, and other sources for financing eligible projects including the acquisition and renewal of land, the construction and renovation of facilities, the furnishing of machinery and equipment, and the provision of water service and other improvements needed to aid the development of trade, commerce, industry, agriculture, aquaculture, and employment opportunities, all of which must be primarily located in a county designated as distressed or least developed. The legislation provides for the powers and duties of the six-member Rural Infrastructure Authority composed of residents of counties designated as distressed or least developed two each appointed by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor and chaired by the Secretary of Commerce, serving in an ex officio capacity. Before providing a loan or other financial assistance to a qualified borrower, the authority must obtain the review and approval of the Joint Bond Review Committee.

The House approved and sent to the Senate **H.3746**, relating to the **NOMINATION OF CANDIDATES BY A PETITION**. This bill provides that no qualified elector who voted in a primary election is eligible to sign a petition for a candidate to run for an office to be filled at the general election following that primary. A qualified elector otherwise eligible to sign a petition for a candidate to appear on a general election ballot may not sign more than one petition per general election per office. A person offering for election as a

petition candidate in any general election must have first notified the entity to which the petition is required to be filed by the beginning date of the primary election preceding that general election of his intention to file as a petition candidate for that office, and a failure to do so disqualifies him as a petition candidate for that general election. Relating to the form of nominating petitions, this bill requires all the signatures to be legible so that the name of the voter can be identified beyond a reasonable doubt. This bill revises the verification process and provides that all qualified electors signing a petition for a candidate to appear on a general election ballot for election to a particular office must have been a qualified elector who registered to vote at least 30 days before submission of the petition. The registration board is required to verify that the voter is a qualified elector in that jurisdiction. The entity to which a petition must be filed may reject the petition if, after a hearing, the entity finds that by a preponderance of the evidence fraud was committed in the execution of the petition. The bill provides that the validation of the signatures on a petition and the determination of whether or not fraud was committed in the execution of the petition must be conducted in public after notice. This bill provides that decisions of a local entity to which a petition must be filed may be appealed to the State Election Commission and thereafter to a court of competent jurisdiction in the manner in which appeals from the State Election Commission may be taken.

The House approved and sent to the Senate **H.4174**, a bill relating to **PROPERTY CONVEYANCES TO CHILDREN THAT ARE NOT CONSIDERED ASSESSABLE TRANSFERS OF INTEREST FOR TAXATION PURPOSES**. This bill revises provisions for determining when a parcel of real property must be appraised for taxation purposes, so as to provide that a conveyance to a trust does not constitute an assessable transfer of interest in the real property if the settlor or settlor's spouse conveys the property to a trust the beneficiaries of which are a child or children of the settlor or the settlor's spouse. The legislation provides that a conveyance by distribution under a will or by intestate succession does not constitute an assessable transfer of interest in the real property if the distributee is a child or children of a decedent and the decedent did not have a spouse at the decedent's date of death.

The House approved and sent to the Senate **H.4172**, pertaining to a **COUNTY GOVERNMENT EMPLOYEE FURLOUGH PROGRAM**. This bill establishes a procedure for a county governing body to institute an employee furlough program that does not adversely impact employee retirement benefits.

The House returned **S.362**, a bill relating to **WORKERS' COMPENSATION COVERAGE OF FIREFIGHTERS' HEART AND RESPIRATORY DISEASES**, to the Senate with amendments. This bill revises provisions relating to firefighters covered under South Carolina Workers' Compensation law and the presumption regarding impairment or injury from heart disease and/or respiratory disease, to provide new criteria for documenting the results of physical exams in order for the impairment or injury to be considered to have arisen out of and in the course of employment.

The House approved and sent to the Senate **H.4147**, a joint resolution establishing a **STUDY COMMITTEE ON THE SALE OF POTENTIALLY HIGHLY FLAMMABLE FURNITURE** in this state. The legislation provides for the study committee's membership and requires the committee to report its findings and recommendations to the General Assembly no later than January 20, 2011, at which time it is abolished.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full committee met on Wednesday, February 3, 2010, and reported on several bills.

The committee gave approval to **H.4444**, relating to **CATCH LIMITS FOR ESTUARINE AND SALTWATER FINFISH INCLUDING WEAKFISH CYNOSCION**. This bill states that it is unlawful for a person to take or have in possession more than one weakfish, Cynoscion, in any one day.

In an effort to protect the most valuable sites, the committee gave favorable recommendation to **H.4129** regarding **OFFENSES AGAINST PROPERTY**. This bill outlines that it is unlawful to willfully, knowingly, or maliciously enter upon the posted lands of another or the state and investigate, disturb, or excavate a prehistoric or historic site for the purpose of discovering, uncovering, moving removing or attempting to remove an archaeological resource. The bill provides for definitions, as well as penalties and civil remedies.

H.3964, relating to **SEED ARBITRATION**, was given a favorable report by the full committee. This bill, among many things, directs the Commissioner of Agriculture to appoint an arbitration committee for the purpose of seed arbitration. This bill updates and clarifies seed arbitration procedures. It replaces obsolete definitions and replaces enforcement mechanisms. The bill revises labeling requirements for seed products and imposes additional prohibitions. The legislation also increases penalties for violations of these provisions. The bill also outlines that Clemson University shall maintain a program of seed and plant certification which shall have as its aim the fostering of the production and distribution of pure varieties of seeds and plants in South Carolina.

The committee gave a favorable with amendment recommendation to **S.328** regarding **INOCULATING PETS AGAINST RABIES**. This bill states that a licensed veterinarian or a licensed veterinary technician under a licensed veterinarian's direct supervision must administer rabies inoculations. The bill also deletes the inoculation fee requirement for clinics.

H.4093, regarding the "**MANUFACTURER RESPONSIBILITY AND CONSUMER CONVENIENCE INFORMATION TECHNOLOGY EQUIPMENT COLLECTION AND RECOVERY ACT**", was given a favorable with amendment report by the full committee. In an effort to address the state's plan to collect and recover information technology equipment so that it can be refurbished and reused, or recycled, this bill states that a manufacturer may not sell or offer to sell a covered device unless a label indicating the manufacturer's brand is permanently affixed to the covered device. A covered device is defined as a television or a computing or printing device, including a desktop computer, notebook computer, computer monitor, and printer. Covered device does not include a motor vehicle part, a personal digital assistant (PDA), a telephone, or a hand-held gaming device. Television is defined as any telecommunication system device that can

broadcast and receive moving pictures and sound over a distance, and includes a TV tuner. Display devices that are peripheral to a computer but nevertheless contain a TV tuner are considered televisions.

Among many things, the bill states that a manufacturer may not sell or offer to sell a covered device unless the manufacturer provides a recovery program at no charge or provides a financial incentive of equal or greater value, such as a coupon. The bill outlines that the recovery plan must include that a manufacturer must offer to collect from a consumer a covered device bearing a label and to make a collection service convenient to a consumer as the purchase of a covered device from a manufacturer. A manufacturer may not be liable for damages arising from information stored on a covered device collected from a consumer under the manufacturer's recovery program.

A retailer may only sell or offer to sell a covered device that bears a manufacturer label and is manufactured by a manufacturer that offers a recovery program. This requirement of this section does not apply to retailer who sells to a consumer a television for less than one hundred dollars. A retailer must be allowed an additional period of six months from the effective date of July 1, 2011, to sell any inventory purchased before the effective date of this act before having to comply with the applicable provisions.

After July 1, 2011, a consumer knowingly shall not place or discard a covered electronic device or any of the components or subassemblies of a covered electronic device in any waste stream that is to be disposed of in a solid waste landfill. In addition, an owner or operator of a solid waste landfill shall post, very clearly, a sign stating that covered electronic devices or any components of covered electronic devices are not accepted for disposal at the landfill.

The Department of Health and Environmental Control shall provide information to the public on its website about recovery programs and collection options as well as the disposing of covered electronic devices in a solid waste landfill. The Department shall develop standards for recovery programs, reporting requirements and recovery certification that at a minimum must comply with the Electronics Recycling Operating Practices of the Institute of Scrap Recycling Industries or other comparable industry or governmental standards.

H.3913, relating to **STRIPED BASS**, was recommitted to the Agriculture Subcommittee.

H. 4015, regarding **SHAD, HERRING, STURGEON NET PLACEMENTS** and **S.1027**, relating to the **RENEGADE HUNTER ACT** (or known as the Dog Deer Hunting bill), were recommitted to the Wildlife Subcommittee.

EDUCATION AND PUBLIC WORKS

The Committee on Education and Public Works met February 3rd and sent three bills to the House.

The committee gave a report of favorable with amendment on **H.4281** which changes the **DEFINITION OF MOPED**: a self-propelled cycle with a motor of not more than fifty cubic centimeters which produces no more than two brake horsepower and which is not

capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground with or without pedals to permit propulsion by human power.

The committee gave a report of favorable on [H. 4244](#) which adds a trustee (seat number seventeen, four year term) to the **COLLEGE OF CHARLESTON BOARD** with that member to be appointed by the Alumni Association Board of Directors.

The committee gave a report of favorable on [H. 4250](#) which creates the **TECHNICAL COLLEGE OF THE LOWCOUNTRY ENTERPRISE CAMPUS AUTHORITY**.

JUDICIARY

The full committee met on Tuesday, February 2, 2010.

The committee gave a report of favorable with amendment on [H.4207](#) which entails **QUALIFICATIONS FOR REGISTERING TO VOTE FOR SOMEONE WHO HAS NEVER LIVED IN THE UNITED STATES** but has a parent who is a qualified elector. Under this bill that person is eligible to register and vote where the person's parent is a qualified elector. The bill also requires that said persons not be registered anywhere else. The bill also authorizes a person to vote by absentee ballot if he or a parent last resided in this state immediately before his or his parents' departure from the United States.

The committee gave a report of favorable with amendment on [H.3066](#). This bill provides that **ELECTRONIC FILING OF CAMPAIGN DISCLOSURE AND REPORTS** provisions are applicable to all persons subject to the state's Ethics and lobbying laws. This bill also requires that certified campaign reports must be supplemented with any contribution received which equals one half or more of the total allowable contribution for that office within forty eight hours of receipt of the contribution.

The committee gave a report of favorable with amendment on [H.3800](#) which includes a school attendance officer, foster parent, juvenile justice worker, and guardian ad litem among the people **WHO MUST REPORT CERTAIN ALLEGATIONS OF CHILD ABUSE OR NEGLECT**. The bill also encourages other people to report this abuse.

The committee gave a report of favorable with amendment on [H.3797](#), a bill providing that the governing body of a **SPECIAL PURPOSE DISTRICT** must be appointed by the governing body of the county if created by act of the General Assembly, provides only recreational services and has as its boundary the entirety of the unincorporated areas of the county. The governing body of the county may transfer assets and liabilities of the district to the county. The district is a department of the county and the county may reconstitute board of the district as it determines. For purposes of calculating the millage limitation imposed pursuant to Section 6-1-320 for a county, any millage for operating purposes imposed by the dissolved special purpose district is considered to have been imposed by the county.

The committee gave a report of favorable on [H.4475](#), a proposed amendment to the South Carolina Constitution that requires that the **SECRETARY OF STATE MUST BE APPOINTED BY THE GOVERNOR** (upon the advice and consent of the General

Assembly). The term of office must be for four years, coterminous with that of the Governor. The General Assembly is to provide for the duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Secretary of State may be removed from office.

The committee gave a report of favorable with amendment on **H.3585**, a bill that provides that it is **UNLAWFUL TO OWN OR OPERATE A VEHICLE WITH A FALSE OR SECRET COMPARTMENT**, to install a false or secret compartment in a vehicle, and to sell or trade a vehicle with a false or secret compartment. 'False or secret compartment' means an enclosure which is integrated into, or attached to, a vehicle and whose purpose is to conceal, hide, or prevent discovery by law enforcement officers of: (a) a person concealed for an unlawful purpose; (b) illegal controlled substances; or (c) other contraband. The bill establishes criminal penalties for violations.

The committee gave a report of favorable with amendment on **S.191**, the **REDUCTION OF RECIDIVISM ACT**, to the House which provides law enforcement officers with the statutory authority to reduce recidivism rates, apprehend criminals and to protect persons from criminal enterprises by authorizing warrantless searches and seizures of probationers and parolees. This bill requires agreement by juvenile offenders of the searches. Law enforcement and agencies that conduct searches must report these searches. Regarding adults, the bill amends current law to provide that prior to being released on furlough, parole or probation an inmate must agree in writing that his person, any vehicle he owns or is driving, and his possessions are subject to search or seizure, without a search warrant, with or without cause, by any probation agent or any other law enforcement officer. All verification requirements and reporting requirements of law enforcement officers and agencies that were mandated when officers conduct warrantless searches and seizures for juveniles and youthful offenders are also mandated when the officers conduct warrantless searches on adult offenders.

The committee gave a report of favorable on **S.19**, which provides that every **CAMPUS POLICE AND SECURITY DEPARTMENT** shall implement policies and procedures to govern their operations. This bill revises various definitions relating to campus police/security departments and expands jurisdiction based on job responsibilities. The bill requires notification to local law enforcement of certain off-campus events and clarifies the definitions of sworn police officers and security officers. The bill revises the markings that may appear on a campus police officer's vehicle and authorizes the use of campus unmarked vehicles. The bill repeals Section 59-116-70, relating to the posting of a bond by a campus police officer before the assumption of their duties.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Thursday, February 4, and reported out several pieces of legislation.

The committee gave a report of favorable with amendment on **H.4198**, the "**UNFAIR DISCRIMINATION AGAINST SUBJECTS OF ABUSE IN INSURANCE ACT**". The bill establishes provisions prohibiting an insurer from denying, restricting, refusing to renew, or canceling coverage or adding a premium differential based upon whether an applicant or insured has been the subject of abuse. The legislation establishes penalties for

violations, including fines up to two hundred thousand dollars for patterns of unfair discrimination.

The committee gave a report of favorable with amendments on **H.4448**, a bill providing a mechanism for **FINANCING RESIDENTIAL ENERGY EFFICIENCY AND CONSERVATION MEASURES**. This bill provides electricity and natural gas providers the authority to finance the purchase price and installation cost of energy conservation measures for residential customers and recover this financing through charges paid for by the customers benefitting from the installation of the energy conservation measures. Before an electricity provider or natural gas provider may enter into a financing contract on a residence, an energy audit must be performed on the residence to demonstrate that energy savings can be expected from the installation of energy efficiency measures. Should the residential customer agree to the installation of the of the efficiency measures, a second audit must be performed after the installation to show that energy savings have been realized. In order for electricity providers and natural gas providers to recover the costs, including financing costs, of the energy efficiency and conservation measures a meter conservation charge is placed on a customer's bill.

The committee gave a report of favorable with amendment on **H.4445**, the "**PERMIT EXTENSION JOINT RESOLUTION OF 2010**". The joint resolution provides a temporary extension for encroachment permits, air and water quality permits, and certain other government approvals affecting the development of real property within the state. The measure is offered as a means of preventing the abandonment of development projects in the state during depressed economic conditions.

The committee gave a favorable report on **S.929**, a bill relating to **REQUIRED POSTINGS AND OTHER DEPARTMENT OF LABOR, LICENSING AND REGULATIONS PROVISIONS**. This bill revises requirements for posting notices concerning the employment of adults and children in places of employment, so as to eliminate the provision requiring notice to be posted in every room where five or more persons are employed. The bill revises various provisions to eliminate references to the Division of Labor within the Department of Labor, Licensing and Regulation.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full committee met on Tuesday, February 2, 2010.

H.3429, regarding **TATTOO FACILITIES**, was given a favorable recommendation by the committee. This bill allows a tattoo facility to include the retail sale of merchandise with images and language promoting the art and culture of tattooing.

The full committee gave a favorable report to **S.188**, relating to **AGE RESTRICTIONS ON TATTOOS**. The legislation outlines that persons eighteen or older are eligible to receive a tattoo.

H.3735, relating to **THE ENACTMENT OF THE "ANN S. PERDUE INDEPENDENT AUTOPSY FAIRNESS ACT OF 2010"**, was given a favorable with amendment report by the committee. This bill requires a hospital to offer in writing to the patient's family the right of having an autopsy performed if a patient dies in a hospital. This bill also requires

a coroner or medical examiner to be notified if a person dies in a health care facility within 24 hours of entering a health care facility or within 24 hours after having undergone an invasive surgical procedure at the health care facility. The notification must inform the person that if there is a charge for the autopsy the cost is to be paid by a private source. In addition, if an autopsy is ordered by a coroner or medical examiner upon review of a death, the autopsy must not be performed at the health care facility where the death occurred or by a physician who treated the patient or is employed by the health care facility in which the death occurred.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.4500 LIMITS ON CONVEYANCES INVOLVING ONSITE WASTEWATER TREATMENT SYSTEM Rep. M. A. Pitts

This bill defines an onsite wastewater treatment system and prohibits the sale of real property with this system until specific conditions are satisfied. In addition, the bill requires the Department of Health and Environmental Control to establish requirements for certifying compliance with certain applicable provisions and to provide exemptions.

H.4503 USE, SALE OR MANUFACTURE OF CLEANING AGENTS CONTAINING PHOSPHATES Rep. M. A. Pitts

This bill adds household dishwashing detergent to the cleaning products included in the restriction on phosphates.

H.4507 POLLUTION CONTROL ACT Rep. M. A. Pitts

The Department of Health and Environmental Control may not consider conformance of a proposed discharge of waste into the waters of the state with an applicable area-wide water quality management plan to justify the importance of the discharge to economic and social development except on a project specific basis.

H.4515 AIDS TO NAVIGATION AND REGULATORY MARKERS IN FRESH AND SALFTWATER Rep. Bowers

This bill adds that on navigational aid or regulatory markers, there must be some type of reflective material or device to enhance the visibility and use of these aids and markers.

H.4536 EFFLUENT LIMITATIONS Rep. M. A. Pitts

In an effort to control wastewater discharged to surface waters, this bill requires the Department of Health and Environmental Control to establish effluent limitations on phosphorus and nitrogen. In addition, DHEC shall provide for a compliance schedule.

H.4539 STATE VETERINARIAN Rep. M. A. Pitts

As of July 1, 2010, the State Veterinarian and the Division of Livestock-Poultry Health Programs are transferred from Clemson University to the Department of Agriculture. The state veterinarian is under the sole direction of the Commissioner of Agriculture

EDUCATION AND PUBLIC WORKS

H. 4510 RELATING TO MEMBERS OF THE BOARD OF VISITORS OF THE CITADEL Rep. Harrison

This bill amends the election of members of the Board of Visitors of the Citadel. It requires election of a member from each congressional district, with one member elected by the General Assembly from the state at large. All members elected by the General Assembly shall serve terms of six years each. The bill provides for the staggering of the initial terms.

H. 4513 COON HUNTER LICENSE PLATES Rep. Norman

This bill allows DMV to issue a 'Raccoon Hunters' special motor vehicle license plate.

H. 4481 DOT COMMISSIONERS Rep. Bowers

This bill deletes the provision that restricts a legislator to electing a commissioner from the congressional district in which the legislator resides and further allows a vote to elect from each congressional district that encompasses a portion of their legislative district.

H. 4483 DEALER LICENSE PLATES Rep. G.M. Smith

This bill reduces the number of vehicle sales a dealer must make in order to be issued a dealer license plate.

JUDICIARY

S. 1099 STATUTORY LAWS OF SC Sen. McConnell

This bill allows Legislative Council and the Code Commissioner to revise volumes of the Code.

H. 4484 PARENTS AND GUARDIANS Rep. Cooper

This bill states that the parents or legal guardian of the person of a minor under the age of eighteen years may not be held civilly or criminally liable for the actions of the minor if the minor has been declared emancipated by a court of competent jurisdiction or has voluntarily discontinued residing with the parents or the legal guardian.

**H. 4502 COMMITTEE PERTAINING TO THE UNITED STATES SENATE
Rep. M. A. Pitts**

This bill would enact the "United States Senate Accountability Act." It requires the two United States Senators from South Carolina to be summoned to appear before a joint session of the General Assembly each year on the second Tuesday in February to

exchange information by and between the State of South Carolina and the United States Congress through its duly elected United States Senators. The bill creates the 'Joint Standing Committee Pertaining to the United States Senate' consisting of ten members of the House of Representatives and six members of the Senate, and the presiding officers of each house. Upon convening, the members of the committee shall appoint two co-chairs, one from each house of the General Assembly. Also includes various reporting requirements and testimony.

The penalty created for failure to comply with the directives of this section by a United States Senator constitutes nonfeasance of office by the offending United States Senator and, upon conviction in a circuit court in Richland County, the United States Senator immediately shall vacate his office in the United States Senate.

H. 4504 CREATES THE OFFENSE OF SEXTING Rep. Brady

This bill would create the offense of "sexting" - including cyber bullying with a sexual context. It would be unlawful to transmit sexual images and text from a minor and to a minor - this in addition to current laws pertaining to adults. Provides for penalties and directs counseling for offenders.

H. 4505 REGISTERS OF DEEDS Rep. Nanney

This bill includes registers of deeds in the list of persons who may accept payment by credit cards.

H. 4509 RIGHT TO BEAR ARMS Rep. M.A. Pitts

This bill states that no public official of any jurisdiction may require registration of purchasers of firearms or ammunition within the boundaries of South Carolina.

H. 4512 SUPER SPEEDERS Rep. Thompson

This bill imposes fines for persons convicted of driving ninety miles an hour or more on an interstate highway or on a multilane divided primary highway, or eighty miles an hour or more on any other highway or road.

H. 4516 LIMITED ALCOHOL LICENSES Rep. M.A. Pitts

This bill allows nonprofits to acquire beer and wine and alcohol permits for limited durations.

S. 590 NOMINATION OF CANDIDATES BY A PETITION Sen. Peeler

This bill states that a qualified elector may participate in only one nominating process for each partisan public office to be filled at the general election and that an elector is considered to have participated in the nominating process for each partisan public office listed on the ballot at a primary election if the elector cast a ballot at the primary election. Also, that an elector otherwise qualified to sign a petition for a candidate to appear on a general election ballot may not sign more than one petition per general election per office. The bill also changes the required percentage and number of signatures for petition candidates with restrictions for one petition for each partisan office. It also establishes standards and requirements for validity of a petition and options for review and appeal.

S. 901 ABSENCE OF GOVERNOR Sen. McConnell

This bill imposes notification requirements on the Governor if he is absent from the state; the powers of the Lt. Governor under such conditions; definitions of "emergency" and the powers of the Governor that may or may not be carried out under such an emergency.

H. 4521 SURETY AND BAIL BONDS Rep. King

This bill relates to disqualifications regarding surety on a bail bond. This exempts certain elected members.

H. 4522 HUMAN TRAFFICKING OFFENSES Rep. Hardwick

This bill pertains to offenses of human trafficking. The bill at least pertains to providing penalties; criminal liabilities; restitution; inter-agency task forces; data collection and other actions by the state to address the issue.

H. 4524 SIDNEY'S LAW / YO-YO WATERBALL TOYS Rep. Herbkersman

This bill prohibits the sell or offer for sale of Yo-Yo Waterball toys, with penalties.

H. 4540 FAMILY PRESERVATION Rep. Brady

This bill pertains to family preservation and reunification. The bill adds certain conditions and circumstances in which the Department of Social Services and the courts may and may not be required to preserve and reunify families. The bill also pertains to parental rights and adoption procedures.

LABOR, COMMERCE AND INDUSTRY

S.766 "NOVELTY LIGHTER PROHIBITION ACT" Sen. Alexander

This bill prohibits the sale or distribution of novelty lighters. A novelty lighter is defined as a mechanical or electrical device typically used for lighting cigarettes, cigars, or pipes which is designed to resemble a toy, has flashing lights, or makes musical sounds. Penalties are provided for violations.

H.4533 MORTGAGE PAYMENTS Rep. Hart

This bill provides that, notwithstanding another provision of law or contract, when a mortgagee makes a payment on a loan secured by a mortgage, the mortgagor shall apply at least thirty percent of the payment received toward the principal balance of the loan secured by the mortgage. Penalties are provided for violations.

H.4534 GRACE PERIOD FOR MORTGAGE PAYMENTS Rep. Hart

This bill provides that a mortgagee in this State is entitled to a grace period of at least twenty days following the due date of the loan payment. The terms of a note securing a mortgage issued in this State shall provide the specific grace period allowed, regardless of whether the twenty-day period required by this section is the only grace period allowed or if more than this minimum twenty-day period is allowed. These provisions apply only to a mortgage on which interest is calculated monthly and do not apply to a simple interest mortgage or other mortgage in which interest accrues daily.

H.4535 WORKERS' COMPENSATION INSURER FILINGS Rep. T.R. Young

This bill revises the requirement that an insurer writing a workers' compensation policy shall file certain information on which it relies to support its rate request, so as to require the insurer to adopt the most recent loss cost within one hundred twenty days of approval of the loss costs. The legislation revises the requirement that its obligation to

make certain filings may be satisfied by making filings as a member of, or subscriber to, a licensed rating organization that makes filings, so as to require these filings be rule and form filings and not loss cost adoption filings. The legislation requires the insurer to file for certain approval if the rating organization to which it subscribes has a rate increase within twelve months after the insurer becomes a member.

H.4538 SOUTH CAROLINA HEALTH INFORMATION EXCHANGE

Rep. Crawford

This bill establishes the South Carolina Health Information Exchange (SCHIEX). The legislation establishes the South Carolina Health Information Exchange Council as the governing body of SCHIEX to oversee and govern the exchange of health-related information among health care organizations. The legislation establishes the council's powers and duties and provides for the electronic movement of health-related information among health care organizations in the state.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4508 CHIROPRACTORS AND CHIROPRACTIC PRACTICE

Rep. Herbkersman

This bill provides for the meaning of "preceptorship or residency training program", which is a clinical program of an approved college of chiropractic in which a chiropractic intern or resident practices chiropractic under the direct supervision of a licensed chiropractor. The bill excludes students participating in a preceptorship or residency training program under specified conditions and permits charges to be imposed for professional service for work performed under these programs.

H.4527 AMBULANCE SERVICE LICENSES Rep. Littlejohn

This joint resolution removes the moratorium imposed in 2005 which directed the Department of Health and Environmental Control to cease issuing new ambulance service licenses until the department had the necessary personnel to enforce existing licensure requirements.

WAYS AND MEANS

**S.728 TEXTILES COMMUNITIES REVITALIZATION ACT TAX CREDIT
REVISIONS Sen. Hayes**

This bill revises provisions relating to the entitlement to tax credits under the Textiles Communities Revitalization Act, so as to: further provide for the applicability of specific requirements for textile mill sites acquired before and after 2007; revise the allowable amount of the credits in certain instances; provide that the tax credits allowed include credits against insurance premium taxes; further provide for the manner in which these credits are vested in a taxpayer and may be allocated to partners or members. The legislation further provide for the eligibility certification process and establishes transition rules applicable to specific mill sites.

**H.4482 TAXATION REALIGNMENT COMMISSION EXTENSION AND
EXPANSION Rep. Bowers**

This bill extends from March 15, 2010, to November 15, 2010, the date by which the principal report and recommendations of the South Carolina Taxation Realignment Commission are due to be completed and delivered. The legislation allows the commission to consider in its review of local taxes all nonhomestead property tax exemptions for the purpose of broadening the property tax base and allowing overall property tax rates to be lower.

**H.4501 SILVER AND GOLD COINS CONSIDERED LEGAL TENDER IN
PAYMENT OF CERTAIN DEBTS Rep. M.A. Pitts**

This bill establishes provisions allowing silver and gold coins to be considered legal tender in payment of certain debts.

H.4506 STATE FARMERS' MARKET SITE LITIGATION Rep. Lucas

This joint resolution makes certain findings by the General Assembly in regard to the settlement of litigation involving a site acquired by the State of South Carolina in Richland County for the proposed State Farmers' Market. The resolution confirms and validates the use of specific tracts of land received by the South Carolina Research Authority, and Richland County as part of the settlement, and the use of certain revenues to meet obligations continuing under the settlement.

**H.4514 "S" CORPORATIONS UNDER THE FEE IN LIEU OF TAX
SIMPLIFICATION ACT Rep. Cooper**

This bill revises the definition of "termination date" under the Fee In Lieu Of Tax Simplification Act and revises provisions relating to treatment of "S" corporations for tax purposes, so as to provide that a specified amount of income taxes paid by resident and nonresident shareholders of certain "S" corporations must be deposited into a special fund and distributed by the Coordinating Council for Economic Development as grants for public infrastructure improvements, which directly support the projects. The legislation establishes guidelines to administer the fund and applications for the grants.

H.4523 SALES TAX EXEMPTION FOR SOLAR PANELS Rep. Herbkersman

This bill exempts for the sales tax the gross proceeds of sales or sales price of solar panels used for the generation of electricity.

**H.4525 RESERVE FUND ENHANCEMENTS AND REVENUE SHORTFALL
PROVISIONS Rep. Kirsh**

This bill increases the percentage amount required to be deposited in the general reserve fund from three to five percent of the general fund revenue of the latest completed fiscal year. The legislation provides that the percentage amount may be increased or decreased by a two-thirds vote of each house of the General Assembly. The legislation provides that if in any fiscal year in which the general reserve fund does not maintain the applicable percentage amount, monies from the capital reserve fund first must be used, to the extent necessary, to fully replenish the requisite percentage amount in the general reserve fund. The legislation revises provisions relating to actions to avoid a year-end deficit, so as to: extend the time period in which action may be taken into the third quarter; reduce the percentage below the projected amount that is required to take action from four to two percent; reduce the time in which the State Budget and Control Board must take action from fifteen to seven days; and provide that if no action is taken, the Director of the Office of State Budget must reduce general fund appropriations by the requisite amount. The legislation revises provisions relating to a

reduction in the rate of expenditure, so as to provide that any cut is subject to any bill or resolution enacted by the General Assembly.

**H.4526 PROPOSED STATE CONSTITUTIONAL AMENDMENT ON RESERVE
FUND ENHANCEMENTS Rep. Kirsh**

This joint resolution proposes to amend the South Carolina Constitution so as to increase from three to five percent the amount of state general fund revenue in the latest completed fiscal year required to be held in the general reserve fund and to allow the percentage amount to be subsequently increased or decreased by separate legislative enactment passed by a two-thirds vote of the total membership of the Senate and a two-thirds vote of the total membership of the House of Representatives. The joint resolution proposes to amend the constitution of this state, so as to provide that monies from the capital reserve fund first must be used, to the extent necessary, to fully replenish the applicable percentage amount in the general reserve fund.

**H.4528 "SOUTH CAROLINA BACK TO WORK TAX REBATE ACT OF 2010"
Rep. H.B. Brown**

This bill enacts the "South Carolina Back to Work Tax Rebate Act of 2010", so as to allow a state tax credit for employers hiring an unemployed individual receiving unemployment compensation benefits. The legislation provides the amount of the credit which must be equal to the state income tax withholdings applicable to that employee for a period of up to one year. The legislation establishes eligibility requirements for creditable employees and provides for the administration of the credit. The legislation provides that the credit is allowed for eligible employees hired after the effective date of the legislation and before January 1, 2011, and provides for the duration of the credit.

**H.4529 FREE USE OF STATE AND LOCAL ATHLETIC
CLUBS/GYMNASIUMS**

BY MEMBERS OF THE GENERAL ASSEMBLY Rep. Williams

This bill provides that members of the General Assembly may use athletic clubs or gymnasiums owned by a state or local agency, entity, commission, or institution without charge.

H.4532 STATE AGENCY EXPENDITURE RECOVERY AUDITS Rep. Chalk

This bill establishes the procedures under which audits of state agency expenditures to recover overpayment and lost discounts shall be conducted by outside consultants.

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